

309. Defendants deny the allegations contained in paragraph 309 of the Complaint.

310. Defendants deny the allegations contained in paragraph 310 of the Complaint.

311. Defendants deny the allegations contained in paragraph 311 of the Complaint.

312. Defendants deny the allegations contained in paragraph 312 of the Complaint.

**Bulgari's Fourth Claim for Relief  
False Advertising**

313. Defendants repeat and reallege each and every response contained in paragraphs 1 through 13, 72 through 101 and 294 through 312 of this Answer as if fully set forth herein.

314. Defendants deny the allegations contained in paragraph 314 of the Complaint.

315. Defendants deny the allegations contained in paragraph 315 of the Complaint.

316. Defendants deny the allegations contained in paragraph 316 of the Complaint.

317. Defendants deny the allegations contained in paragraph 317 of the Complaint.

**Bulgari's Fifth Claim for Relief  
Trademark Dilution**

318. Defendants repeat and reallege each and every response contained in paragraphs 1 through 13, 72 through 101 and 294 through 317 of this Answer as if fully set forth herein.

319. Defendants deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 319 of the Complaint.

320. Defendants deny the allegations contained in paragraph 320 of the Complaint.

321. Defendants deny the allegations contained in paragraph 321 of the Complaint.

322. Defendants deny the allegations contained in paragraph 322 of the Complaint.

323. Defendants deny the allegations contained in paragraph 323 of the Complaint.

324. Defendants deny the allegations contained in paragraph 324 of the Complaint.

325. Defendants deny the allegations contained in paragraph 325 of the Complaint.

**Bulgari's Sixth Claim for Relief  
Copyright Infringement**

326. Defendants repeat and reallege each and every response contained in paragraphs 1 through 13, 72 through 101 and 294 through 325 of this Answer as if fully set forth herein.

327. Defendants deny knowledge and information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 327 of the Complaint.

328. Defendants admit the allegations contained in paragraph 328 of the Complaint.

329. Defendants admit the allegations contained in paragraph 329 of the Complaint.

330. Defendants deny the allegations contained in paragraph 330 of the Complaint.

331. Defendants deny the allegations contained in paragraph 331 of the Complaint.

332. Defendants deny the allegations contained in paragraph 332 of the Complaint.

**Bulgari's Seventh Claim for Relief  
Design Patent Infringement**

333. Defendants repeat and reallege each and every response contained in paragraphs 1 through 34, 72 through 101 and 294 through 332 of this Answer as if fully set forth herein.

334. Defendants deny the allegations contained in paragraph 334 of the Complaint.

335. Defendants deny the allegations contained in paragraph 335 of the Complaint.

336. Defendants deny the allegations contained in paragraph 336 of the Complaint.

337. Defendants deny the allegations contained in paragraph 337 of the Complaint.

338. Defendants deny the allegations contained in paragraph 338 of the Complaint.

**Bulgari's Eighth Claim for Relief  
Common Law Trademark Infringement**

339. Defendants repeat and reallege each and every response contained in paragraphs 1 through 13, 72 through 101 and 294 through 338 of this Answer as if fully set forth herein.

340. Defendants deny the allegations contained in paragraph 340 of the Complaint.

341. Defendants deny the allegations contained in paragraph 341 of the Complaint.

**Bulgari's Ninth Claim for Relief  
Common Law Unfair Competition**

342. Defendants repeat and reallege each and every response contained in paragraphs 1 through 13, 72 through 101 and 294 through 341 of this Answer as if fully set forth herein.

343. Defendants deny the allegations contained in paragraph 433 of the Complaint.

344. Defendants deny the allegations contained in paragraph 344 of the Complaint.

**Bulgari's Tenth Claim for Relief  
New York General Business Law §349**

345. Defendants repeat and reallege each and every response contained in paragraphs 1 through 13, 72 through 101 and 294 through 344 of this Answer as if fully set forth herein.

346. Defendants deny the allegations contained in paragraph 346 of the Complaint.

347. Defendants deny the allegations contained in paragraph 347 of the Complaint.

348. Defendants deny the allegations contained in paragraph 348 of the Complaint.

349. Defendants deny the allegations contained in paragraph 349 of the Complaint.

**Bulgari's Eleventh Claim for Relief  
New York General Business Law §360-1**

350. Defendants repeat and reallege each and every response contained in paragraphs 1 through 13, 72 through 101 and 294 through 349 of this Answer as if fully set forth herein.

351. Defendants deny the allegations contained in paragraph 351 of the Complaint.

352. Defendants deny the allegations contained in paragraph 352 of the Complaint.

353. Defendants deny the allegations contained in paragraph 353 of the Complaint.

## **AFFIRMATIVE DEFENSES**

### **First Affirmative Defense**

1. The Complaint fails to state a claim upon which relief can be granted.

### **Second Affirmative Defense**

2. The Court lacks subject matter jurisdiction over Plaintiffss claims for Common Law Trademark Infringement, Common Law Unfair Competition, and violations of New York General Business Law §349 and New York General Business Law §360-1.

### **Third Affirmative Defense**

3. Plaintiffs are barred from asserting their trademark, copyright and design patent claims by the relevant statutes of limitations.

### **Fourth Affirmative Defense**

4. Plaintiffs are barred from asserting their trademark, copyright and design patent claims by the doctrine of laches.

**Fifth Affirmative Defense**

5. Plaintiffs are estopped from asserting their trademark, copyright, design patent and New York statutory claims.

**Sixth Affirmative Defense**

6. Plaintiffs have waived their rights to assert trademark, copyright, design patent and New York statutory claims.

**Seventh Affirmative Defense**

7. Plaintiffs have acquiesced in Defendants' conduct.

**Eighth Affirmative Defense**

8. Plaintiffs are barred from asserting their trademark, copyright, design patent and New York statutory claims due to their unclean hands.

**Ninth Affirmative Defense**

9. Cartier Plaintiffs are barred from asserting their Copyright Infringement Claims (Cartier's Sixth and Seventh Claims for Relief) because they lack copyright registrations.

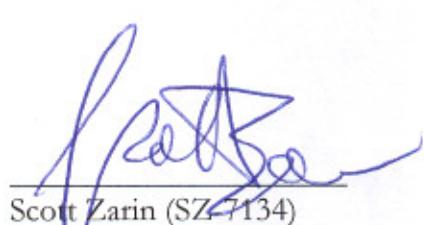
**Tenth Affirmative Defense**

10. Van Cleef Plaintiffs are barred from asserting their Copyright Infringement Claims (Van Cleef's Sixth Claim for Relief) because they lack copyright registrations.

WHEREFORE, Defendants demand a judgment dismissing Plaintiffs' Complaint, along with an award of costs, disbursements and reasonable attorney fees, in addition to such other relief as this Court deems just and proper.

Date: November 9, 2007

Respectfully submitted,



\_\_\_\_\_  
Scott Zarin (SZ 7134)  
Zarin & Associates P.C.  
45 West 21<sup>st</sup> Street, 4<sup>th</sup> Floor  
New York, NY 10010  
Tel: (212) 580-3131  
Fax: (212) 580-4393  
[scottzarin@copyrighttrademarkcounsel.com](mailto:scottzarin@copyrighttrademarkcounsel.com)

Attorneys for Defendants  
Elena Castaneda and Ejeweler LLC